

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
SHERMAN DIVISION**

UNITED STATES OF AMERICA

v.

JUSTIN RILEY BRAFFORD

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CRIMINAL NO. 4:20-CR-158-KPJ

MEMORANDUM OPINION AND ORDER

Pending before the Court is the Government's request for revocation of Defendant's supervised release. The Court conducted a hearing on February 5, 2021, to determine whether Defendant violated his supervised release. Defendant was represented by Michelle Allen-McCoy. The Government was represented by Kevin McClendon.

On August 9, 2019, Defendant consented to have all proceedings conducted by a United States Magistrate Judge, as he is charged with only misdemeanor offenses. On August 12, 2019, United States Magistrate Judge Karen B. Molzen of the District Court for New Mexico sentenced Defendant to a term of five (5) years' probation, to pay a special assessment of \$10.00, and to pay \$2,720.00 in restitution.

On July 9, 2020, this matter was transferred from the District Court of New Mexico for the purposes of probation and supervised release. On July 22, 2020, the U.S. Probation Officer filed a Petition for Warrant or Summons for Offender under Supervision (the "Petition") (Dkt. 2). The Petition asserts Defendant violated the following conditions of supervision: (1) Defendant shall not commit another federal, state, or local crime; (2) Defendant shall refrain from any unlawful use of a controlled substance; (3) Defendant shall report to the United States Probation Office as directed; (4) Defendant shall live at a place approved by the United States Probation Office, and any changes in Defendant's living situation must be reported to, and approved by, the United States

Probation Office; and (5) Defendant shall make restitution in accordance with 18 U.S.C. §§ 3363, 3663A, and any other statute authorizing a sentence of restitution.

The Petition asserts that Defendant violated these conditions because: (1) Defendant was arrested for a misdemeanor offense of public intoxication, for a misdemeanor offense of trespass, and for a felony offense of theft of property on November 24, November 25, and December 22, 2019, respectively; (2) Defendant's urine specimen tested positive for marijuana on August 19 and 23, 2019; (3) Defendant failed to submit a monthly report as directed for the months of April, May, and June 2020; (4) Defendant changed his residence without notifying the United States Probation Office; and (5) Defendant failed to make any of his required monthly payments towards the restitution amount owed.

At the February 5, 2021 hearing, Defendant entered a plea of true to all five allegations. *See* Dkt. 7. The Court finds that Defendant has violated the terms of his supervised release, and thus, his supervised release should be revoked.

CONCLUSION

Pursuant to the Sentencing Reform Act of 1984, and having considered the arguments presented at the February 5, 2021 hearing, **IT IS ORDERED** that Defendant be sentenced to four (4) months' imprisonment and an additional one (1) year of supervised release with the same conditions of release previously imposed. **IT IS FURTHER ORDERED** Defendant shall reside in a residential re-entry center or similar facility for one hundred eighty (180) days to commence immediately.

So ORDERED and SIGNED this 12th day of March, 2021.

A handwritten signature in black ink, appearing to read 'K. Priest Johnson', written over a horizontal line.

KIMBERLY C. PRIEST JOHNSON
UNITED STATES MAGISTRATE JUDGE